

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN ASSEMBLY JUNE 10, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MAY 5, 2014

AMENDED IN SENATE MARCH 12, 2014

SENATE BILL

No. 844

Introduced by Senator Pavley

**(Coauthors: Senators Anderson, Block, Correa, De León,
DeSaulnier, Hancock, Leno, and Padilla)**

(Coauthors: Assembly Members Dickinson, Garcia, and Wieckowski)

January 8, 2014

An act to amend Sections 9082.7, ~~9084~~, and 9086 of the Elections Code, and to amend ~~Sections 88001 and~~ *Section* 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 844, as amended, Pavley. Elections: ballot measure contributions.

Existing law requires each campaign committee formed or existing primarily to support or oppose a statewide ballot measure to file with the Secretary of State periodic reports identifying the sources and amounts of contributions received during specified periods. Existing law, including the Political Reform Act of 1974, also specifies information required to be included in the ~~statewide~~ *state* ballot pamphlet for each statewide ballot measure to be voted upon.

This bill would require the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that is easy for voters to access and understand. The Internet Web site would be required to include a summary of each ballot measure, ~~a list of each committee primarily formed~~ *the total amount of reported contributions made* to support or oppose a ballot measure, and a list of a committee's top 10 contributors, as specified. The bill would require the ~~statewide~~ *state* ballot pamphlet to include *for each ballot measure* a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top ten contributors.

The Political Reform Act of 1974, an initiative measure, generally provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements. The act also provides that, notwithstanding this requirement, the Legislature may add to the ballot pamphlet information regarding candidates or other information.

This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9082.7 of the Elections Code is amended
2 to read:
3 9082.7. (a) The Secretary of State shall make available the
4 complete state ballot pamphlet over the Internet. The online version
5 of the state ballot pamphlet shall contain, ~~for each candidate~~
6 ~~featured in the pamphlet and each committee supporting or~~
7 ~~opposing a state ballot measure featured in the pamphlet, a~~
8 ~~hyperlink to any campaign contribution disclosure reports for that~~
9 ~~candidate or committee that are available online. all of the~~
10 *following:*
11 *(1) For each candidate listed in the pamphlet, a means to access*
12 *campaign contribution disclosure reports for the candidate that*
13 *are available online.*

1 (2) *For each state ballot measure listed in the pamphlet, a means*
2 *to access the consolidated information specified in subdivision*
3 *(b).*

4 (b) The Secretary of State shall create an Internet Web site, or
5 use other available technology, to consolidate information about
6 each state ballot measure in a manner that is easy for voters to
7 access and understand ~~on any computer system platform~~. The
8 information shall include all of the following:

9 (1) A summary of the ballot measure's content.

10 (2) The total amount of reported contributions made in support
11 of and opposition to the ballot measure ~~and the total amount of~~
12 ~~reported independent expenditures made in support of and~~
13 ~~opposition to the ballot measure.~~, *calculated and updated as*
14 *follows:*

15 (A) (i) *The total amount of contributions in support of the ballot*
16 *measure shall be calculated by adding together the total amounts*
17 *of contributions made in support of the ballot measure and reported*
18 *in semiannual statements required by Section 84200 of the*
19 *Government Code, preelection statements required by Section*
20 *84200.5 of the Government Code, campaign statements required*
21 *by Section 84202.3 of the Government Code, and late contribution*
22 *reports required by Section 84203 of the Government Code that*
23 *are reported within 16 days of the election at which the measure*
24 *will appear on the ballot.*

25 (ii) *The total amount of contributions in opposition to the ballot*
26 *measure shall be calculated by adding together the total amounts*
27 *of contributions made in opposition to the ballot measure and*
28 *reported in semiannual statements required by Section 84200 of*
29 *the Government Code, preelection statements required by Section*
30 *84200.5 of the Government Code, campaign statements required*
31 *by Section 84202.3 of the Government Code, and late contribution*
32 *reports required by Section 84203 of the Government Code that*
33 *are reported within 16 days of the election at which the measure*
34 *will appear on the ballot.*

35 (iii) *For purposes of determining the total amount of reported*
36 *contributions pursuant to this subparagraph, the Secretary of State*
37 *shall, to the extent practicable with respect to committees primarily*
38 *formed to support or oppose a ballot measure, do both of the*
39 *following:*

1 (I) Ensure that transfers of funds between primarily formed
2 committees are not counted twice.

3 (II) Treat a contribution made to a primarily formed committee
4 that supports or opposes more than one state ballot measure as if
5 the total amount of that contribution was made for each state ballot
6 measure that the committee supports or opposes.

7 (B) The total amount of reported contributions calculated under
8 this paragraph for each state ballot measure shall be updated not
9 later than five business days after receipt of a semiannual
10 statement, campaign statement, or preelection statement and not
11 later than two business days after receipt of a late contribution
12 report within 16 days of the election at which the measure will
13 appear on the ballot.

14 (C) The total amount of reported contributions calculated under
15 this paragraph for each state ballot measure shall be accompanied
16 by an explanation that the contribution totals may be overstated
17 due to the inclusion of contributions made to committees supporting
18 or opposing more than one state ballot measure, as required by
19 subclause (II) of clause (iii) of subparagraph (A).

20 (3) A current list of the top 10 contributors supporting and
21 opposing the ballot measure, if compiled by the Fair Political
22 Practices Commission pursuant to subdivision (e) of Section 84223
23 of the Government Code. ~~The Fair Political Practices Commission~~
24 ~~shall provide the list, and any updates to the list, to the Secretary~~
25 ~~of State for purposes of this paragraph.~~

26 (4) (A) A list of each committee primarily formed to support
27 or oppose the ballot measure, as described in Section 82047.5 of
28 the Government Code, and a means to access the sources of funding
29 reported for each committee. ~~The sources of funding shall be~~
30 ~~updated as new information becomes available to the public~~
31 ~~pursuant to the Political Reform Act of 1974 (Title 9 (commencing~~
32 ~~with Section 81000) of the Government Code).~~

33 (5) ~~For committees primarily formed to support or oppose a~~
34 ~~state ballot measure that raise one million dollars (\$1,000,000) or~~
35 ~~more for an election, the list of the committee's top 10 contributors~~
36 ~~provided to the Fair Political Practices Commission pursuant to~~
37 ~~Section 84223 of the Government Code. The Fair Political Practices~~
38 ~~Commission shall provide top 10 contributor lists, and any~~
39 ~~subsequent updates to the lists, to the Secretary of State for the~~
40 ~~purposes of compliance with this section.~~

1 ~~(6) Any other Internet Web site hyperlinks to other relevant~~
2 ~~information.~~

3 *(B) Information about the sources of contributions shall be*
4 *updated as new information becomes available to the public*
5 *pursuant to the Political Reform Act of 1974 (Title 9 (commencing*
6 *with Section 81000) of the Government Code).*

7 *(C) If a committee identified in subparagraph (A) receives one*
8 *million dollars (\$1,000,000) or more in contributions for an*
9 *election, the Secretary of State shall provide a means to access*
10 *online information about the committee's top 10 contributors*
11 *reported to the Fair Political Practices Commission pursuant to*
12 *subdivision (a) of Section 84223 of the Government Code.*

13 *(D) Notwithstanding paragraph (1) of subdivision (c) of Section*
14 *84223 of the Government Code, the Fair Political Practices*
15 *Commission shall automatically provide any list of top 10*
16 *contributors created pursuant to Section 84223 of the Government*
17 *Code, and any subsequent updates to that list, to the Secretary of*
18 *State for purposes of compliance with this section.*

19 ~~SEC. 2. Section 9084 of the Elections Code, as amended by~~
20 ~~Section 2 of Chapter 16 of the Statutes of 2014, is amended to~~
21 ~~read:~~

22 ~~9084. The ballot pamphlet shall contain all of the following:~~

23 ~~(a) A complete copy of each state measure.~~

24 ~~(b) A copy of the specific constitutional or statutory provision,~~
25 ~~if any, that each state measure would repeal or revise.~~

26 ~~(c) A copy of the arguments and rebuttals for and against each~~
27 ~~state measure.~~

28 ~~(d) A copy of the analysis of each state measure.~~

29 ~~(e) Tables of contents, indexes, art work, graphics, and other~~
30 ~~materials that the Secretary of State determines will make the ballot~~
31 ~~pamphlet easier to understand or more useful for the average voter.~~

32 ~~(f) A notice, conspicuously printed on the cover of the ballot~~
33 ~~pamphlet, indicating that additional copies of the ballot pamphlet~~
34 ~~will be mailed by the county elections official upon request.~~

35 ~~(g) A written explanation of the judicial retention procedure as~~
36 ~~required by Section 9083.~~

37 ~~(h) The Voter Bill of Rights pursuant to Section 2300.~~

38 ~~(i) If the ballot contains an election for a state measure, a printed~~
39 ~~statement that refers voters to the Secretary of State's Internet Web~~
40 ~~site for a list of committees primarily formed to support or oppose~~

1 a ballot measure, and information on how to access the committee's
2 top 10 contributors.

3 (j)

4 ~~If the ballot contains an election for the office of United States~~
5 ~~Senator, information on candidates for United States Senator. A~~
6 ~~candidate for United States Senator may purchase the space to~~
7 ~~place a statement in the state ballot pamphlet that does not exceed~~
8 ~~250 words. The statement may not make any reference to any~~
9 ~~opponent of the candidate. The statement shall be submitted in~~
10 ~~accordance with timeframes and procedures set forth by the~~
11 ~~Secretary of State for the preparation of the state ballot pamphlet.~~

12 (k)

13 ~~If the ballot contains a question on the confirmation or retention~~
14 ~~of a justice of the Supreme Court, information on justices of the~~
15 ~~Supreme Court who are subject to confirmation or retention.~~

16 (l) ~~If the ballot contains an election for the offices of President~~
17 ~~and Vice President of the United States, a notice that refers voters~~
18 ~~to the Secretary of State's Internet Web site for information about~~
19 ~~candidates for the offices of President and Vice President of the~~
20 ~~United States.~~

21 (m) ~~A written explanation of the appropriate election procedures~~
22 ~~for party-nominated, voter-nominated, and nonpartisan offices as~~
23 ~~required by Section 9083.5.~~

24 (n) ~~A written explanation of the top 10 contributor lists required~~
25 ~~by Section 84223 of the Government Code, including a description~~
26 ~~of the Internet Web sites where those lists are available to the~~
27 ~~public.~~

28 ~~SEC. 3.~~

29 *SEC. 2.* Section 9086 of the Elections Code is amended to read:
30 9086. The ballot pamphlet shall contain as to each state measure
31 to be voted upon, the following, in the order set forth in this
32 section:

33 (a) (1) Upon the top portion of the first page, and not exceeding
34 one-third of the page, shall appear:

35 (A) Identification of the measure by number and title.

36 (B) The official summary prepared by the Attorney General.

37 (C) The total number of votes cast for and against the measure
38 in both the State Senate and Assembly, if the measure was passed
39 by the Legislature.

(2) The space in the title and summary that is used for an explanatory table prepared pursuant to paragraph (2) of subdivision (e) of Section 9087 and Section 88003 of the Government Code shall not be included when measuring the amount of space the information described in paragraph (1) has taken for purposes of determining compliance with the restriction prohibiting the information described in paragraph (1) from exceeding one-third of the page.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis prepared by the Legislative Analyst shall appear a printed statement that refers voters to the Secretary of State's Internet Web site for a list of committees primarily formed to support or oppose a ballot measure, and information on how to access the committee's top 10 contributors.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page of the analysis of the Legislative Analyst. The rebuttals shall be placed immediately below the arguments.

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this page are the opinions of the authors, and have not been checked for accuracy by any official agency."

~~SEC. 4. Section 88001 of the Government Code, as amended by Section 8 of Chapter 16 of the Statutes of 2014, is amended to read:~~

~~88001. The ballot pamphlet shall contain all of the following:~~

- 1 ~~(a) A complete copy of each state measure.~~
- 2 ~~(b) A copy of the specific constitutional or statutory provision;~~
3 ~~if any, that would be repealed or revised by each state measure.~~
- 4 ~~(c) A copy of the arguments and rebuttals for and against each~~
5 ~~state measure.~~
- 6 ~~(d) A copy of the analysis of each state measure.~~
- 7 ~~(e) Tables of contents, indexes, art work, graphics, and other~~
8 ~~materials that the Secretary of State determines will make the ballot~~
9 ~~pamphlet easier to understand or more useful for the average voter.~~
- 10 ~~(f) A notice, conspicuously printed on the cover of the ballot~~
11 ~~pamphlet, indicating that additional copies of the ballot pamphlet~~
12 ~~will be mailed by the county elections official upon request.~~
- 13 ~~(g) A written explanation of the judicial retention procedure as~~
14 ~~required by Section 9083 of the Elections Code.~~
- 15 ~~(h) The Voter Bill of Rights pursuant to Section 2300 of the~~
16 ~~Elections Code.~~
- 17 ~~(i) If the ballot contains an election for a state measure, a printed~~
18 ~~statement that refers voters to the Secretary of State's Internet Web~~
19 ~~site for a list of committees primarily formed to support or oppose~~
20 ~~a ballot measure, and information on how to access the committee's~~
21 ~~top 10 contributors.~~
- 22 ~~(j) If the ballot contains an election for the office of United~~
23 ~~States Senator, information on candidates for United States Senator.~~
24 ~~A candidate for United States Senator may purchase the space to~~
25 ~~place a statement in the state ballot pamphlet that does not exceed~~
26 ~~250 words. The statement may not make any reference to any~~
27 ~~opponent of the candidate. The statement shall be submitted in~~
28 ~~accordance with timeframes and procedures set forth by the~~
29 ~~Secretary of State for the preparation of the state ballot pamphlet.~~
- 30 ~~(k) If the ballot contains a question as to the confirmation or~~
31 ~~retention of a justice of the Supreme Court, information on justices~~
32 ~~of the Supreme Court who are subject to confirmation or retention.~~
- 33 ~~(l) If the ballot contains an election for the offices of President~~
34 ~~and Vice President of the United States, a notice that refers voters~~
35 ~~to the Secretary of State's Internet Web site for information about~~
36 ~~candidates for the offices of President and Vice President of the~~
37 ~~United States.~~
- 38 ~~(m) A written explanation of the appropriate election procedures~~
39 ~~for party-nominated, voter-nominated, and nonpartisan offices as~~
40 ~~required by Section 9083.5 of the Elections Code.~~

1 ~~(n) A written explanation of the top 10 contributor lists required~~
2 ~~by Section 84223, including a description of the Internet Web sites~~
3 ~~where those lists are available to the public.~~

4 ~~SEC. 5.~~

5 SEC. 3. Section 88002 of the Government Code is amended
6 to read:

7 88002. The ballot pamphlet shall contain as to each state
8 measure to be voted upon, the following in the order set forth in
9 this section:

10 (a) (1) Upon the top portion of the first page and not exceeding
11 one-third of the page shall appear:

12 (A) The identification of the measure by number and title.

13 (B) The official summary prepared by the Attorney General.

14 (C) The total number of votes cast for and against the measure
15 in both the State Senate and Assembly if the measure was passed
16 by the Legislature.

17 (2) The space in the title and summary that is used for an
18 explanatory table prepared pursuant to paragraph (2) of subdivision
19 (e) of Section 9087 of the Elections Code and Section 88003 shall
20 not be included when measuring the amount of space the
21 information described in paragraph (1) has taken for purposes of
22 determining compliance with the restriction prohibiting the
23 information described in paragraph (1) from exceeding one-third
24 of the page.

25 (b) Beginning at the top of the right page shall appear the
26 analysis prepared by the Legislative Analyst, provided that the
27 analysis fits on a single page. If it does not fit on a single page,
28 then the analysis shall begin on the lower portion of the first left
29 page and shall continue on subsequent pages until it is completed.

30 (c) Immediately below the analysis prepared by the Legislative
31 Analyst shall appear a printed statement that refers voters to the
32 Secretary of State's Internet Web site for a list of committees
33 primarily formed to support or oppose a ballot measure, and
34 information on how to access the committee's top 10 contributors.

35 (d) Arguments for and against the measure shall be placed on
36 the next left and right pages, respectively, following the page on
37 which the analysis of the Legislative Analyst ends. The rebuttals
38 shall be placed immediately below the arguments.

1 (e) If no argument against the measure has been submitted, the
2 argument for the measure shall appear on the right page facing the
3 analysis.

4 (f) The complete text of each measure shall appear at the back
5 of the pamphlet. The text of the measure shall contain the
6 provisions of the proposed measure and the existing provisions of
7 law repealed or revised by the measure. The provisions of the
8 proposed measure differing from the existing provisions of law
9 affected shall be distinguished in print, so as to facilitate
10 comparison.

11 (g) The following statement shall be printed at the bottom of
12 each page where arguments appear: "Arguments printed on this
13 page are the opinions of the authors and have not been checked
14 for accuracy by any official agency."

15 ~~SEC. 6.~~

16 *SEC. 4.* The Legislature finds and declares that this act permits
17 or requires the inclusion of additional information in the ballot
18 pamphlet in accordance with Section 88007 of the Government
19 Code.